
By: **Senators Kelley and Hollinger**
Introduced and read first time: February 6, 2003
Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Residential Child Care Programs - Certification of Program Administrator**

3 FOR the purpose of requiring the Subcabinet for Children, Youth, and Families, in
4 consultation with certain departments, to adopt regulations establishing
5 standards for the certification of administrators of residential child care
6 programs; establishing the State Board for Certification of Residential Child
7 Care Program Administrators; specifying the membership, powers, and duties of
8 the Board; establishing the terms of and requirements for certain members of
9 the Board; requiring an individual to be certified before the individual may
10 administer a residential child care program licensed by certain State
11 departments; specifying the qualifications for certain certificates; specifying
12 application procedures for certain applications; authorizing the issuance and
13 renewal of certain certificates; authorizing certain individuals with certificates
14 to administer certain programs; providing for the expiration and renewal of
15 certain certificates; establishing certain grounds for discipline; requiring the
16 Board to provide certain hearing procedures before certain individuals may be
17 disciplined under this Act; prohibiting certain acts; making certain exceptions;
18 establishing certain penalties; establishing a certain date by which all licensed
19 residential child care programs shall have certified program administrators;
20 providing that the State Board for Certification of Residential Child Care
21 Program Administrators is subject to the provisions of the Maryland Program
22 Evaluation Act; defining certain terms; and generally relating to the
23 certification of individuals to administer residential child care programs.

24 BY renumbering

25 Article - State Government
26 Section 8-403(b)(62) through (69), respectively
27 to be Section 8-403(b)(63) through (70), respectively
28 Annotated Code of Maryland
29 (1999 Replacement Volume and 2002 Supplement)

30 BY repealing and reenacting, with amendments,

31 Article 49D - Office for Children, Youth, and Families
32 Section 4.1

1 Annotated Code of Maryland
2 (1998 Replacement Volume and 2002 Supplement)

3 BY adding to
4 Article 49D - Office for Children, Youth, and Families
5 Section 4.4
6 Annotated Code of Maryland
7 (1998 Replacement Volume and 2002 Supplement)

8 BY repealing and reenacting, without amendments,
9 Article - Health Occupations
10 Section 1-101(a), (b), (d), (e), (h), (j), (k), and (l)
11 Annotated Code of Maryland
12 (2000 Replacement Volume and 2002 Supplement)

13 BY adding to
14 Article - Health Occupations
15 Section 20-101 through 20-502, inclusive, to be under the new title "Title 20.
16 Residential Child Care Program Administrators"
17 Annotated Code of Maryland
18 (2000 Replacement Volume and 2002 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - State Government
21 Section 8-403(a)
22 Annotated Code of Maryland
23 (1999 Replacement Volume and 2002 Supplement)

24 BY adding to
25 Article - State Government
26 Section 8-403(b)(62)
27 Annotated Code of Maryland
28 (1999 Replacement Volume and 2002 Supplement)

29 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
30 MARYLAND, That Sections(s) 8-403(b)(62) through (69), respectively, of Article -
31 State Government of the Annotated Code of Maryland to be renumbered to be
32 Sections(s) 8-403(b)(63) through (70), respectively.

33 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland
34 read as follows:

Article 49D - Office for Children, Youth, and Families

2 4.1.

3 (a) There is a Subcabinet for Children, Youth, and Families.

4 (b) The Subcabinet for Children, Youth, and Families consists of:

5 (1) The Special Secretary;

6 (2) The Secretary of Health and Mental Hygiene;

7 (3) The Secretary of Human Resources;

8 (4) The Secretary of Juvenile Justice;

9 (5) The State Superintendent of Schools;

10 (6) The Secretary of Budget and Management;

11 (7) The Director of the Office for Individuals with Disabilities; and

12 (8) A representative from any other State agency that the Governor
13 designates.14 (c) The Special Secretary shall serve as chairperson of the Subcabinet for
15 Children, Youth, and Families and shall be responsible for the oversight, direction,
16 and accountability of the work of the Subcabinet.17 (d) The Office for Children, Youth, and Families shall provide the primary
18 staff support for the Subcabinet.19 (e) The Special Secretary may call upon any of the Subcabinet members to
20 provide additional staff assistance as needed.21 (f) The Special Secretary may establish subcommittees to carry out the work
22 of the Subcabinet.

23 (g) The Subcabinet shall meet at least four times a year.

24 (h) The Subcabinet shall:

25 (1) Provide ongoing examination of the structure and organization of
26 Maryland's system of services to children, youth, and families; [and]27 (2) Facilitate a comprehensive effective, efficient, and integrated service
28 delivery system for services to children, youth, and families; AND29 (3) **ADOPT REGULATIONS IN ACCORDANCE WITH § 4.4 OF THIS ARTICLE.**

1 4.4.

2 (A) THE SUBCABINET FOR CHILDREN, YOUTH, AND FAMILIES SHALL ADOPT
3 REGULATIONS ESTABLISHING STANDARDS FOR THE CERTIFICATION OF
4 RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS UNDER TITLE 20 OF THE
5 HEALTH OCCUPATIONS ARTICLE.

6 (B) IN DEVELOPING THE REGULATIONS DESCRIBED IN SUBSECTION (A) OF
7 THIS SECTION, THE SUBCABINET SHALL CONSULT WITH:

8 (1) THE DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

9 (2) THE DEPARTMENT OF HUMAN RESOURCES;

10 (3) THE DEPARTMENT OF JUVENILE JUSTICE;

11 (4) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE
12 DEPARTMENT OF HEALTH AND MENTAL HYGIENE;

13 (5) THE MENTAL HEALTH ADMINISTRATION IN THE DEPARTMENT OF
14 HEALTH AND MENTAL HYGIENE;

15 (6) THE STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD
16 CARE PROGRAM ADMINISTRATORS; AND

17 (7) THE STATE SUPERINTENDENT OF SCHOOLS.

18 **Article - Health Occupations**

19 1-101.

20 (a) In this article the following words have the meanings indicated.

21 (b) "Board of Review" means the Board of Review of the Department.

22 (d) "Department" means the Department of Health and Mental Hygiene.

23 (e) "Household member" means someone who is:

24 (1) The individual's:

25 (i) Spouse;

26 (ii) Son;

27 (iii) Daughter;

28 (iv) Ward; or

29 (v) Parent; or

1 (C) "BOARD" MEANS THE STATE BOARD FOR CERTIFICATION OF RESIDENTIAL
2 CHILD CARE PROGRAM ADMINISTRATORS.

3 (D) "CERTIFICATE" MEANS, UNLESS THE CONTEXT REQUIRES OTHERWISE, A
4 CERTIFICATE ISSUED BY THE BOARD TO ADMINISTER A RESIDENTIAL CHILD CARE
5 PROGRAM.

6 (E) "CERTIFIED PROGRAM ADMINISTRATOR" MEANS, UNLESS THE CONTEXT
7 REQUIRES OTHERWISE, AN INDIVIDUAL WHO IS:

8 (1) CERTIFIED BY THE BOARD; AND

9 (2) RESPONSIBLE FOR THE DAY-TO-DAY OPERATION OF A RESIDENTIAL
10 CHILD CARE PROGRAM.

11 (F) "PROGRAM" MEANS A RESIDENTIAL CHILD CARE PROGRAM LICENSED BY:

12 (1) THE DEVELOPMENTAL DISABILITIES ADMINISTRATION IN THE
13 DEPARTMENT;

14 (2) THE DEPARTMENT;

15 (3) THE DEPARTMENT OF HUMAN RESOURCES;

16 (4) THE DEPARTMENT OF JUVENILE JUSTICE; OR

17 (5) THE MENTAL HEALTH ADMINISTRATION IN THE DEPARTMENT.

18 (G) "PROGRAM ADMINISTRATOR" MEANS THE INDIVIDUAL RESPONSIBLE FOR
19 THE DAY-TO-DAY OPERATION OF A RESIDENTIAL CHILD CARE PROGRAM.

20 (H) (1) "RESIDENTIAL CHILD CARE PROGRAM" MEANS AN ENTITY THAT
21 PROVIDES FOR CHILDREN 24-HOUR PER DAY CARE WITHIN A STRUCTURED SET OF
22 SERVICES AND ACTIVITIES THAT ARE DESIGNED TO ACHIEVE SPECIFIC OBJECTIVES
23 RELATIVE TO THE NEEDS OF THE CHILDREN SERVED AND THAT INCLUDE THE
24 PROVISION OF FOOD, CLOTHING, SHELTER, EDUCATION, SOCIAL SERVICES, HEALTH,
25 MENTAL HEALTH, RECREATION, OR ANY COMBINATION OF THESE SERVICES AND
26 ACTIVITIES.

27 (2) "RESIDENTIAL CHILD CARE PROGRAM" INCLUDES:

28 (I) RESIDENTIAL FACILITIES FOR CHILDREN WITH
29 DEVELOPMENTAL DISABILITIES;

30 (II) CHILD CARE HOMES;

31 (III) CHILD CARE INSTITUTIONS;

32 (IV) THERAPEUTIC GROUP HOMES; AND

33 (V) GROUP HOMES, AS THOSE TERMS ARE DEFINED BY STATE LAW.

1 (I) "SUBCABINET" MEANS THE SUBCABINET FOR CHILDREN, YOUTH, AND
2 FAMILIES ESTABLISHED UNDER ARTICLE 49D, § 4.1 OF THE CODE.

3 SUBTITLE 2. STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE
4 PROGRAM ADMINISTRATORS.

5 20-201.

6 THERE IS A STATE BOARD FOR CERTIFICATION OF RESIDENTIAL CHILD CARE
7 PROGRAM ADMINISTRATORS IN THE DEPARTMENT.

8 20-202.

9 (A) (1) THE BOARD CONSISTS OF 11 MEMBERS.

10 (2) OF THE 11 BOARD MEMBERS:

11 (I) SIX MEMBERS SHALL BE APPOINTED AS FOLLOWS:

12 1. TWO BY THE SECRETARY OF HEALTH AND MENTAL
13 HYGIENE, ONE EACH FOR THE DEVELOPMENTAL DISABILITIES ADMINISTRATION
14 AND THE MENTAL HEALTH ADMINISTRATION;

15 2. ONE BY THE SECRETARY OF JUVENILE JUSTICE FOR THE
16 AGENCY;

17 3. ONE BY THE SECRETARY OF HUMAN RESOURCES FOR THE
18 AGENCY;

19 4. ONE BY THE STATE SUPERINTENDENT OF SCHOOLS; AND

20 5. ONE BY THE SUBCABINET; AND

21 (II) FIVE SHALL BE APPOINTED BY THE GOVERNOR.

22 (3) OF THE FIVE APPOINTED BY THE GOVERNOR:

23 (I) THREE SHALL BE PROGRAM ADMINISTRATORS; AND

24 (II) TWO SHALL BE MEMBERS OF THE GENERAL PUBLIC.

25 (B) THE GOVERNOR SHALL APPOINT MEMBERS WITH THE ADVICE AND
26 CONSENT OF THE SENATE.

27 (C) EACH BOARD MEMBER SHALL:

28 (1) BE A UNITED STATES CITIZEN; AND

29 (2) HAVE RESIDED IN THIS STATE FOR AT LEAST 1 YEAR BEFORE
30 APPOINTMENT TO THE BOARD.

1 (D) EACH PUBLIC MEMBER OF THE BOARD:

2 (1) MAY NOT BE OR EVER HAVE BEEN A PROGRAM ADMINISTRATOR;

3 (2) MAY NOT HAVE A HOUSEHOLD MEMBER WHO IS A PROGRAM
4 ADMINISTRATOR;

5 (3) MAY NOT PARTICIPATE OR EVER HAVE PARTICIPATED IN A
6 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ADMINISTERING A PROGRAM;

7 (4) MAY NOT HAVE A HOUSEHOLD MEMBER WHO PARTICIPATES IN A
8 COMMERCIAL OR PROFESSIONAL FIELD RELATED TO ADMINISTERING A PROGRAM;
9 AND

10 (5) MAY NOT HAVE HAD WITHIN 2 YEARS BEFORE APPOINTMENT A
11 SUBSTANTIAL FINANCIAL INTEREST IN A PROGRAM REGULATED BY AN AGENCY.

12 (E) WHILE A MEMBER OF THE BOARD, A PUBLIC MEMBER MAY NOT HAVE A
13 SUBSTANTIAL FINANCIAL INTEREST IN A PROGRAM REGULATED BY AN AGENCY.

14 (F) BEFORE TAKING OFFICE, EACH APPOINTEE TO THE BOARD SHALL TAKE
15 THE OATH REQUIRED BY ARTICLE I, § 9 OF THE STATE CONSTITUTION.

16 (G) (1) THE TERM OF A MEMBER IS 4 YEARS.

17 (2) THE TERMS OF MEMBERS ARE STAGGERED AS REQUIRED BY THE
18 TERMS PROVIDED FOR MEMBERS OF THE BOARD ON OCTOBER 1, 2003.

19 (3) AT THE END OF A TERM, A MEMBER CONTINUES TO SERVE UNTIL A
20 SUCCESSOR IS APPOINTED AND QUALIFIES.

21 (4) A MEMBER WHO IS APPOINTED AFTER A TERM HAS BEGUN SERVES
22 ONLY FOR THE REST OF THE TERM AND UNTIL A SUCCESSOR IS APPOINTED AND
23 QUALIFIES.

24 (5) A MEMBER MAY NOT SERVE MORE THAN TWO CONSECUTIVE FULL
25 TERMS.

26 (6) TO THE EXTENT PRACTICABLE, THE GOVERNOR SHALL FILL ANY
27 VACANCY ON THE BOARD WITHIN 60 DAYS OF THE DATE OF THE VACANCY.

28 (H) (1) THE GOVERNOR MAY REMOVE A MEMBER FOR INCOMPETENCE,
29 MISCONDUCT, INCAPACITY, OR NEGLECT OF DUTY.

30 (2) ON THE RECOMMENDATION OF THE SUBCABINET, THE GOVERNOR
31 MAY REMOVE A MEMBER WHOM THE SUBCABINET FINDS TO HAVE BEEN ABSENT
32 FROM TWO SUCCESSIVE BOARD MEETINGS WITHOUT ADEQUATE REASON.

1 20-203.

2 (A) FROM AMONG ITS MEMBERS, THE BOARD ANNUALLY SHALL SELECT A
3 CHAIRMAN, VICE CHAIRMAN, AND EXECUTIVE SECRETARY.

4 (B) THE BOARD SHALL DETERMINE THE DUTIES OF EACH OFFICE.

5 (C) THE SUBCABINET, IN CONSULTATION WITH THE BOARD AND THE
6 SECRETARY, SHALL EMPLOY OR OTHERWISE DESIGNATE STAFF FOR THE BOARD IN
7 ACCORDANCE WITH THE STATE BUDGET.

8 20-204.

9 (A) A MAJORITY OF THE FULL AUTHORIZED MEMBERSHIP OF THE BOARD IS A
10 QUORUM.

11 (B) THE BOARD SHALL MEET AT LEAST TWICE A YEAR, AT THE TIMES AND
12 PLACES THAT IT DETERMINES.

13 (C) EACH MEMBER OF THE BOARD IS ENTITLED TO REIMBURSEMENT FOR
14 EXPENSES UNDER THE STANDARD STATE TRAVEL REGULATIONS, AS PROVIDED IN
15 THE STATE BUDGET.

16 20-205.

17 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THE CODE, THE
18 SUBCABINET, IN CONSULTATION WITH THE BOARD, SHALL:

19 (1) ADOPT REGULATIONS ESTABLISHING STANDARDS FOR THE
20 CERTIFICATION OF APPLICANTS; AND

21 (2) CONDUCT A CONTINUING STUDY AND INVESTIGATION OF
22 PROGRAMS AND PROGRAM ADMINISTRATORS TO IMPROVE:

23 (I) CERTIFICATION STANDARDS; AND

24 (II) PROCEDURES FOR ENFORCING THESE STANDARDS.

25 20-206.

26 IN ADDITION TO THE POWERS SET FORTH ELSEWHERE IN THIS TITLE, THE
27 BOARD SHALL ADOPT REGULATIONS TO CARRY OUT THE PROVISIONS OF THIS TITLE.
28 20-207.

29 IN ADDITION TO THE DUTIES SET FORTH ELSEWHERE IN THIS TITLE, THE
30 BOARD SHALL:

31 (1) REPORT DIRECTLY TO THE SUBCABINET, AS THE SUBCABINET
32 REQUIRES; AND

1 (2) DEVISE EXAMINATIONS AND ADOPT INVESTIGATIVE PROCEDURES
2 TO:

3 (I) DETERMINE WHETHER CERTIFIED PROGRAM
4 ADMINISTRATORS MEET THE STANDARDS ADOPTED BY THE SUBCABINET; AND

5 (II) ASSURE THAT CERTIFIED PROGRAM ADMINISTRATORS
6 CONTINUE TO MEET THESE STANDARDS.

7 20-208.

8 (A) THE BOARD MAY SET REASONABLE FEES FOR THE ISSUANCE AND
9 RENEWAL OF CERTIFICATES AND ITS OTHER SERVICES.

10 (B) THE BOARD SHALL PAY ALL FUNDS COLLECTED UNDER THIS TITLE INTO
11 THE GENERAL FUND OF THIS STATE.

12 20-209.

13 A PERSON SHALL HAVE THE IMMUNITY FROM LIABILITY DESCRIBED UNDER §
14 5-710 OF THE COURTS ARTICLE FOR GIVING INFORMATION TO THE BOARD OR
15 OTHERWISE PARTICIPATING IN ITS ACTIVITIES.

16 SUBTITLE 3. CERTIFICATION PROCESS.

17 20-301.

18 (A) EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, ON OR AFTER
19 OCTOBER 1, 2006, AN INDIVIDUAL SHALL RECEIVE A CERTIFICATE FROM THE BOARD
20 BEFORE THE INDIVIDUAL MAY BE A PROGRAM ADMINISTRATOR IN THIS STATE.

21 (B) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF A
22 PROGRAM ADMINISTRATOR LEAVES OR IS REMOVED FROM A POSITION AS PROGRAM
23 ADMINISTRATOR BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE, THE OWNER
24 OF A PROGRAM OR OTHER APPROPRIATE PROGRAM AUTHORITY SHALL
25 IMMEDIATELY DESIGNATE A CERTIFIED PROGRAM ADMINISTRATOR TO SERVE IN
26 THAT CAPACITY.

27 (2) (I) IN THE EVENT A CERTIFIED PROGRAM ADMINISTRATOR IS NOT
28 AVAILABLE, THE OWNER OR OTHER APPROPRIATE PROGRAM AUTHORITY MAY
29 APPOINT A NONCERTIFIED PERSON TO SERVE IN THE CAPACITY OF ACTING
30 PROGRAM ADMINISTRATOR FOR A PERIOD NOT TO EXCEED 180 DAYS.

31 (II) THE OWNER OR OTHER APPROPRIATE PROGRAM AUTHORITY
32 SHALL IMMEDIATELY NOTIFY THE BOARD OF THE APPOINTMENT AND FORWARD THE
33 CREDENTIALS OF THE PERSON APPOINTED TO THE BOARD FOR EVALUATION TO
34 ASSURE THAT THE PERSON APPOINTED IS EXPERIENCED, TRAINED, AND
35 COMPETENT.

1 (III) THE 180-DAY PERIOD BEGINS ON THE DATE THAT THE
2 PROGRAM ADMINISTRATOR LEAVES OR IS REMOVED FROM THE POSITION AS A
3 PROGRAM ADMINISTRATOR.

4 (IV) THE BOARD MAY EXTEND THE 180-DAY PERIOD FOR A
5 FURTHER PERIOD OF NOT MORE THAN 30 DAYS.

6 20-302.

7 (A) TO QUALIFY FOR A CERTIFICATE, AN APPLICANT SHALL BE AN
8 INDIVIDUAL WHO MEETS THE REQUIREMENTS OF THIS SECTION.

9 (B) THE APPLICANT SHALL BE OF GOOD MORAL CHARACTER.

10 (C) THE APPLICANT SHALL BE AT LEAST 18 YEARS OLD.

11 (D) THE APPLICANT SHALL HAVE:

12 (1) (I) A BACHELOR'S DEGREE FROM AN ACCREDITED COLLEGE OR
13 UNIVERSITY IN A HUMAN SERVICE DISCIPLINE; AND

14 (II) AT LEAST 4 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD
15 WITH AT LEAST 3 YEARS IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY; OR

16 (2) (I) A MASTER'S DEGREE FROM AN ACCREDITED COLLEGE OR
17 UNIVERSITY IN A HUMAN SERVICE DISCIPLINE; AND

18 (II) AT LEAST 2 YEARS EXPERIENCE IN THE HUMAN SERVICE FIELD
19 WITH AT LEAST 1 YEAR IN A SUPERVISORY OR ADMINISTRATIVE CAPACITY.

20 (E) EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, THE APPLICANT SHALL
21 PASS AN EXAMINATION GIVEN BY THE BOARD UNDER THIS SUBTITLE.

22 20-303.

23 TO APPLY FOR A CERTIFICATE, AN APPLICANT SHALL:

24 (1) SUBMIT AN APPLICATION TO THE BOARD ON THE FORM THAT THE
25 BOARD REQUIRES; AND

26 (2) PAY TO THE BOARD THE APPLICATION FEE SET BY THE BOARD.

27 20-304.

28 (A) THE BOARD SHALL KEEP A FILE OF EACH CERTIFICATE APPLICATION
29 MADE UNDER THIS SUBTITLE.

30 (B) THE FILE SHALL CONTAIN:

31 (1) THE NAME, ADDRESS, AND AGE OF THE APPLICANT;

- 1 (2) THE NAME AND ADDRESS OF THE EMPLOYER OR BUSINESS
2 CONNECTION OF THE APPLICANT;
- 3 (3) THE DATE OF THE APPLICATION;
- 4 (4) COMPLETE AND CURRENT INFORMATION ON THE EDUCATIONAL,
5 TRAINING, AND EXPERIENCE QUALIFICATIONS OF THE APPLICANT;
- 6 (5) THE DATE THE BOARD REVIEWED AND ACTED ON THE APPLICATION;
- 7 (6) THE ACTION TAKEN BY THE BOARD ON THE APPLICATION;
- 8 (7) THE IDENTIFYING NUMBERS OF ANY CERTIFICATE OR RENEWAL
9 CERTIFICATE ISSUED TO THE APPLICANT; AND
- 10 (8) ANY OTHER INFORMATION THAT THE BOARD CONSIDERS
11 NECESSARY.

12 (C) THE APPLICATION FILES SHALL BE OPEN TO PUBLIC INSPECTION.
13 20-305.

14 (A) AN APPLICANT WHO OTHERWISE QUALIFIES FOR A CERTIFICATE IS
15 ENTITLED TO BE EXAMINED AS PROVIDED IN THIS SECTION.

16 (B) THE BOARD SHALL GIVE EXAMINATIONS TO APPLICANTS AT LEAST FOUR
17 TIMES A YEAR, AT THE TIMES AND PLACES THAT THE BOARD DETERMINES.

18 (C) THE BOARD SHALL NOTIFY EACH QUALIFIED APPLICANT OF THE TIME
19 AND PLACE OF EXAMINATION.

20 (D) (1) SUBJECT TO THE PROVISIONS OF THIS SUBSECTION, THE BOARD
21 SHALL DETERMINE THE SUBJECTS, SCOPE, FORM, AND PASSING SCORE FOR
22 EXAMINATIONS GIVEN UNDER THIS SUBTITLE.

23 (2) THE SUBJECTS OF EXAMINATION SHALL RELATE TO:

24 (I) HEALTH AND SAFETY ISSUES, INCLUDING:

- 25 1. NUTRITIONAL STANDARDS;
- 26 2. WATER SAFETY;
- 27 3. PREVENTATIVE AND ACUTE HEALTH CARE STANDARDS;
- 28 4. SUICIDE ASSESSMENT;
- 29 5. PREVENTION OF ABUSE AND NEGLECT; AND
- 30 6. CRISIS INTERVENTION AND PROBLEM SOLVING;

1 (II) IMPORTANCE OF STAFF TRAINING IN APPROPRIATE
2 OBSERVATION TECHNIQUES, INCLUDING EDUCATIONAL AND PSYCHOLOGICAL
3 TESTS AND SOCIAL HISTORIES;

4 (III) RIGHTS OF THE CHILD, INCLUDING:

5 1. EDUCATIONAL AND RECREATIONAL NEEDS; AND

6 2. ESTABLISHMENT OF AND COMPLIANCE WITH
7 APPROPRIATE GRIEVANCE PROCEDURES;

8 (IV) PHYSICAL PLANT REQUIREMENTS;

9 (V) CRIMINAL BACKGROUND CHECKS OF PERSONNEL;

10 (VI) FISCAL ACCOUNTABILITY;

11 (VII) RECORD KEEPING THAT COMPLIES WITH FEDERAL
12 REQUIREMENTS AND STATE REGULATIONS;

13 (VIII) HAVING A COMMUNITY RELATIONS PLAN WHICH INCLUDES AN
14 ACTIVE BOARD OF DIRECTORS;

15 (IX) EMERGENCY PLANNING; AND

16 (X) OTHER STANDARDS ESTABLISHED IN THE REGULATIONS.

17 (3) EACH APPLICANT SHALL BE REQUIRED TO SHOW KNOWLEDGE OF
18 THE LAWS, RULES, AND REGULATIONS THAT APPLY TO PROGRAMS.

19 (4) THE SCOPE, CONTENT, AND FORM OF AN EXAMINATION SHALL BE
20 THE SAME FOR ALL CERTIFICATE APPLICANTS WHO TAKE THE EXAMINATION AT THE
21 SAME TIME.

22 (E) (1) THE BOARD MAY LIMIT THE NUMBER OF TIMES AN APPLICANT MAY
23 TAKE AN EXAMINATION REQUIRED UNDER THIS SUBTITLE.

24 (2) AN APPLICANT SHALL PASS THE EXAMINATION WITHIN 3 YEARS OF
25 THE FIRST TIME THE APPLICANT TAKES THE EXAMINATION.

26 20-306.

27 (A) SUBJECT TO THE PROVISIONS OF THIS SECTION, THE BOARD MAY WAIVE
28 ANY EXAMINATION REQUIREMENT OF THIS TITLE FOR AN INDIVIDUAL WHO IS
29 CERTIFIED AS A PROGRAM ADMINISTRATOR IN ANY OTHER STATE THAT THE BOARD
30 AND THE SUBCABINET DETERMINE HAS A COMPARABLE CERTIFICATION PROCESS
31 TO THE ONE ESTABLISHED IN THIS TITLE.

32 (B) THE BOARD MAY GRANT A WAIVER UNDER THIS SECTION ONLY IF THE
33 APPLICANT:

1 (1) IS OF GOOD MORAL CHARACTER;

2 (2) PAYS THE APPLICATION FEE REQUIRED BY THE BOARD UNDER §
3 20-303 OF THIS SUBTITLE; AND

4 (3) PROVIDES ADEQUATE EVIDENCE THAT:

5 (I) AT THE TIME THE APPLICANT WAS CERTIFIED IN THE OTHER
6 STATE, THE APPLICANT WAS QUALIFIED TO TAKE THE EXAMINATION THAT THEN
7 WAS REQUIRED BY THE LAWS OF THIS STATE; AND

8 (II) THE APPLICANT QUALIFIED FOR A CERTIFICATE IN THE OTHER
9 STATE BY PASSING AN EXAMINATION GIVEN IN THAT OR ANY OTHER STATE.

10 20-307.

11 THE BOARD SHALL ISSUE A CERTIFICATE TO ANY APPLICANT WHO MEETS THE
12 REQUIREMENTS OF THIS TITLE.

13 20-308.

14 THE APPLICANT MAY APPEAL A DECISION OF THE BOARD THAT RELATES TO
15 ISSUING OR RENEWING A CERTIFICATE TO THE BOARD OF REVIEW AS PROVIDED IN §
16 20-315(A) OF THIS SUBTITLE.

17 20-309.

18 A CERTIFICATE AUTHORIZES THE INDIVIDUAL TO ADMINISTER A PROGRAM
19 WHILE THE CERTIFICATE IS EFFECTIVE.

20 20-310.

21 (A) A CERTIFICATE EXPIRES ON THE FIFTH ANNIVERSARY OF ITS EFFECTIVE
22 DATE, UNLESS THE CERTIFICATE IS RENEWED FOR A 5-YEAR TERM AS PROVIDED IN
23 THIS SECTION.

24 (B) AT LEAST 1 MONTH BEFORE THE CERTIFICATE EXPIRES, THE BOARD
25 SHALL SEND TO THE CERTIFIED PROGRAM ADMINISTRATOR, BY FIRST-CLASS MAIL
26 TO THE LAST KNOWN ADDRESS OF THE CERTIFIED PROGRAM ADMINISTRATOR, A
27 RENEWAL NOTICE THAT STATES:

28 (1) THE DATE ON WHICH THE CURRENT CERTIFICATE EXPIRES;

29 (2) THE DATE BY WHICH THE RENEWAL APPLICATION MUST BE
30 RECEIVED BY THE BOARD FOR THE RENEWAL TO BE ISSUED AND MAILED BEFORE
31 THE CERTIFICATE EXPIRES; AND

32 (3) THE AMOUNT OF THE RENEWAL FEE.

1 (C) BEFORE THE CERTIFICATE EXPIRES, THE CERTIFIED PROGRAM
2 ADMINISTRATOR PERIODICALLY MAY RENEW IT FOR AN ADDITIONAL 5-YEAR TERM,
3 IF THE CERTIFIED PROGRAM ADMINISTRATOR:

4 (1) OTHERWISE IS ENTITLED TO OBTAIN A CERTIFICATE;

5 (2) PAYS TO THE BOARD A RENEWAL FEE SET BY THE BOARD; AND

6 (3) SUBMITS TO THE BOARD:

7 (I) A RENEWAL APPLICATION ON THE FORM THAT THE BOARD
8 REQUIRES; AND

9 (II) SATISFACTORY EVIDENCE OF COMPLIANCE WITH ANY
10 CONTINUING EDUCATION AND OTHER QUALIFICATIONS AND REQUIREMENTS SET
11 UNDER THIS SECTION FOR CERTIFICATE RENEWAL.

12 (D) IN ADDITION TO ANY OTHER QUALIFICATIONS AND REQUIREMENTS
13 ESTABLISHED IN CONSULTATION WITH THE BOARD, THE SUBCABINET MAY SET
14 CONTINUING EDUCATION REQUIREMENTS AS A CONDITION FOR THE RENEWAL OF
15 CERTIFICATES UNDER THIS SECTION.

16 (E) THE BOARD SHALL RENEW THE CERTIFICATE OF EACH CERTIFIED
17 ADMINISTRATOR WHO MEETS THE REQUIREMENTS OF THIS SECTION.

18 20-311.

19 (A) THE BOARD SHALL REINSTATE THE CERTIFICATE OF A PROGRAM
20 ADMINISTRATOR WHO HAS FAILED TO RENEW THE CERTIFICATE FOR ANY REASON,
21 IF THE INDIVIDUAL:

22 (1) HAS NOT HAD THE CERTIFICATE SUSPENDED OR REVOKED;

23 (2) MEETS THE RENEWAL REQUIREMENTS OF § 20-310 OF THIS
24 SUBTITLE;

25 (3) PAYS TO THE BOARD THE REINSTATEMENT FEE SET BY THE BOARD;

26 (4) SUBMITS TO THE BOARD SATISFACTORY EVIDENCE OF COMPLIANCE
27 WITH THE QUALIFICATIONS AND REQUIREMENTS ESTABLISHED UNDER THIS TITLE
28 FOR CERTIFICATE REINSTATEMENTS; AND

29 (5) APPLIES TO THE BOARD FOR REINSTATEMENT OF THE CERTIFICATE
30 WITHIN 2 YEARS AFTER THE CERTIFICATE EXPIRES.

31 (B) THE BOARD MAY NOT REINSTATE THE CERTIFICATE OF A PROGRAM
32 ADMINISTRATOR WHO FAILS TO APPLY FOR REINSTATEMENT OF THE CERTIFICATE
33 WITHIN 2 YEARS AFTER THE CERTIFICATE EXPIRES. HOWEVER, THE PROGRAM
34 ADMINISTRATOR MAY BE CERTIFIED BY MEETING THE CURRENT REQUIREMENTS
35 FOR OBTAINING A NEW CERTIFICATE UNDER THIS TITLE.

1 20-312.

2 (A) UNLESS THE BOARD AGREES TO ACCEPT THE SURRENDER OF A
3 CERTIFICATE, A CERTIFIED PROGRAM ADMINISTRATOR MAY NOT SURRENDER THE
4 CERTIFICATE NOR MAY THE CERTIFICATE LAPSE BY OPERATION OF LAW WHILE THE
5 CERTIFIED PROGRAM ADMINISTRATOR IS UNDER INVESTIGATION OR WHILE
6 CHARGES ARE PENDING AGAINST THE CERTIFIED PROGRAM ADMINISTRATOR.

7 (B) THE BOARD MAY SET CONDITIONS ON ITS AGREEMENT WITH THE
8 CERTIFIED PROGRAM ADMINISTRATOR UNDER INVESTIGATION OR AGAINST WHOM
9 CHARGES ARE PENDING TO ACCEPT SURRENDER OF THE CERTIFIED PROGRAM
10 ADMINISTRATOR'S CERTIFICATE.

11 20-313.

12 (A) THE BOARD SHALL INVESTIGATE AND TAKE APPROPRIATE ACTION AS TO
13 ANY COMPLAINT FILED WITH THE BOARD THAT ALLEGES THAT A CERTIFIED
14 PROGRAM ADMINISTRATOR HAS FAILED TO MEET ANY STANDARD OF THE BOARD.

15 (B) SUBJECT TO THE HEARING PROVISIONS OF § 20-314 OF THIS SUBTITLE,
16 THE BOARD MAY DENY A CERTIFICATE TO ANY APPLICANT, REPRIMAND ANY
17 CERTIFIED PROGRAM ADMINISTRATOR, PLACE ANY CERTIFIED PROGRAM
18 ADMINISTRATOR ON PROBATION, OR SUSPEND OR REVOKE A CERTIFICATE IF THE
19 APPLICANT OR CERTIFIED PROGRAM ADMINISTRATOR:

20 (1) FRAUDULENTLY OR DECEPTIVELY OBTAINS OR ATTEMPTS TO
21 OBTAIN A CERTIFICATE FOR A PROGRAM ADMINISTRATOR OR FOR ANOTHER;

22 (2) FRAUDULENTLY OR DECEPTIVELY USES A CERTIFICATE;

23 (3) OTHERWISE FAILS TO MEET SUBSTANTIALLY THE STANDARDS FOR
24 CERTIFICATION ADOPTED BY THE SUBCABINET, IN CONSULTATION WITH THE
25 BOARD, UNDER § 20-205 OF THIS TITLE;

26 (4) IS CONVICTED OF OR PLEADS GUILTY OR NOLO CONTENDERE TO A
27 FELONY OR TO A CRIME INVOLVING MORAL TURPITUDE, WHETHER OR NOT ANY
28 APPEAL OR OTHER PROCEEDING IS PENDING TO HAVE THE CONVICTION OR PLEA
29 SET ASIDE;

30 (5) PERFORMS THE DUTIES OF A PROGRAM ADMINISTRATOR WHILE:

31 (I) UNDER THE INFLUENCE OF ALCOHOL; OR

32 (II) USING ANY NARCOTIC OR CONTROLLED DANGEROUS
33 SUBSTANCE, AS DEFINED IN § 5-101 OF THE CRIMINAL LAW ARTICLE, OR OTHER
34 DRUG THAT IS IN EXCESS OF THERAPEUTIC AMOUNTS OR WITHOUT VALID MEDICAL
35 INDICATION;

36 (6) IS DISCIPLINED BY A LICENSING OR DISCIPLINARY AUTHORITY OF
37 ANY OTHER STATE OR COUNTRY OR CONVICTED OR DISCIPLINED BY A COURT OF

1 ANY STATE OR COUNTRY FOR AN ACT THAT WOULD BE GROUNDS FOR DISCIPLINARY
2 ACTION UNDER THE BOARD'S DISCIPLINARY STATUTES;

3 (7) PERFORMS THE DUTIES OF A PROGRAM ADMINISTRATOR WITH AN
4 UNAUTHORIZED PERSON OR SUPERVISES OR AIDS AN UNAUTHORIZED PERSON IN
5 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR;

6 (8) WILLFULLY MAKES OR FILES A FALSE REPORT OR RECORD WHILE
7 PERFORMING THE DUTIES OF A PROGRAM ADMINISTRATOR;

8 (9) WILLFULLY FAILS TO FILE OR RECORD ANY REPORT AS REQUIRED
9 UNDER LAW, WILLFULLY IMPEDES OR OBSTRUCTS THE FILING OR RECORDING OF
10 THE REPORT, OR INDUCES ANOTHER TO FAIL TO FILE OR RECORD THE REPORT;

11 (10) SUBMITS A FALSE STATEMENT TO COLLECT A FEE;

12 (11) COMMITS AN ACT OF UNPROFESSIONAL CONDUCT IN PERFORMING
13 THE DUTIES OF A PROGRAM ADMINISTRATOR; OR

14 (12) REFUSES, WITHHOLDS FROM, DENIES, OR DISCRIMINATES AGAINST
15 AN INDIVIDUAL WITH REGARD TO THE PROVISION OF PROFESSIONAL SERVICES FOR
16 WHICH THE INDIVIDUAL IS CERTIFIED AND QUALIFIED TO RENDER BECAUSE THE
17 INDIVIDUAL IS HIV POSITIVE.

18 20-314.

19 (A) EXCEPT AS OTHERWISE PROVIDED IN THE ADMINISTRATIVE PROCEDURE
20 ACT, BEFORE THE BOARD TAKES ANY ACTION UNDER § 20-313 OF THIS SUBTITLE, IT
21 SHALL GIVE THE INDIVIDUAL AGAINST WHOM THE ACTION IS CONTEMPLATED AN
22 OPPORTUNITY FOR A HEARING BEFORE THE BOARD.

23 (B) THE BOARD SHALL GIVE NOTICE AND HOLD THE HEARING IN
24 ACCORDANCE WITH THE ADMINISTRATIVE PROCEDURE ACT.

25 (C) OVER THE SIGNATURE OF AN OFFICER OR THE EXECUTIVE SECRETARY OF
26 THE BOARD, THE BOARD MAY ISSUE SUBPOENAS AND ADMINISTER OATHS IN
27 CONNECTION WITH ANY INVESTIGATION UNDER THIS TITLE AND ANY HEARINGS OR
28 PROCEEDINGS BEFORE IT.

29 (D) IF, WITHOUT LAWFUL EXCUSE, A PERSON DISOBEYS A SUBPOENA FROM
30 THE BOARD OR AN ORDER BY THE BOARD TO TAKE AN OATH OR TO TESTIFY OR
31 ANSWER A QUESTION, THEN, ON PETITION OF THE BOARD, A COURT OF COMPETENT
32 JURISDICTION MAY PUNISH THE PERSON AS FOR CONTEMPT OF COURT.

33 (E) IF AFTER DUE NOTICE THE INDIVIDUAL AGAINST WHOM THE ACTION IS
34 CONTEMPLATED FAILS OR REFUSES TO APPEAR, THE BOARD MAY HEAR AND
35 DETERMINE THE MATTER.

1 20-315.

2 (A) EXCEPT AS PROVIDED IN THIS SECTION FOR AN ACTION UNDER § 20 -313
3 OF THIS SUBTITLE, ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD IN
4 A CONTESTED CASE, AS DEFINED IN THE ADMINISTRATIVE PROCEDURE ACT, MAY:

5 (1) APPEAL THAT DECISION TO THE BOARD OF REVIEW; AND

6 (2) THEN TAKE ANY FURTHER APPEAL ALLOWED BY THE
7 ADMINISTRATIVE PROCEDURE ACT.

8 (B) (1) ANY PERSON AGGRIEVED BY A FINAL DECISION OF THE BOARD
9 UNDER § 20-314 OF THIS SUBTITLE MAY NOT APPEAL TO THE SECRETARY OR BOARD
10 OF REVIEW BUT MAY TAKE A DIRECT JUDICIAL APPEAL.

11 (2) THE APPEAL SHALL BE MADE AS PROVIDED FOR JUDICIAL REVIEW
12 OF FINAL DECISIONS IN THE ADMINISTRATIVE PROCEDURE ACT.

13 SUBTITLE 4. PROHIBITED ACTS; PENALTIES.

14 20-401.

15 EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE, AN INDIVIDUAL MAY NOT:

16 (1) PERFORM THE DUTIES OF, ATTEMPT TO PERFORM THE DUTIES OF,
17 OR OFFER TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR IN THIS STATE
18 UNLESS CERTIFIED BY THE BOARD; OR

19 (2) SUPERVISE, DIRECT, INDUCE, OR AID AN UNCERTIFIED INDIVIDUAL
20 TO PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR.

21 20-402.

22 (A) UNLESS AUTHORIZED TO PERFORM THE DUTIES OF A PROGRAM
23 ADMINISTRATOR UNDER THIS TITLE, A PERSON MAY NOT REPRESENT TO THE
24 PUBLIC BY TITLE, BY DESCRIPTION OF SERVICES, METHODS, OR PROCEDURES, OR
25 OTHERWISE, THAT THE PERSON IS A PROGRAM ADMINISTRATOR IN THIS STATE.

26 (B) UNLESS AUTHORIZED TO PRACTICE UNDER THIS TITLE, A PERSON MAY
27 NOT USE THE TITLE "RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATOR" OR ANY
28 OTHER DESIGNATION, TITLE, OR ABBREVIATION WITH THE INTENT TO REPRESENT
29 THAT THE PERSON IS AUTHORIZED TO PERFORM THE DUTIES OF A PROGRAM
30 ADMINISTRATOR.

1 20-403.

2 A PERSON MAY NOT:

3 (1) SELL OR FRAUDULENTLY OBTAIN OR FURNISH OR AID IN SELLING
4 OR FRAUDULENTLY OBTAINING OR FURNISHING A CERTIFICATE ISSUED UNDER
5 THIS TITLE; OR

6 (2) PERFORM THE DUTIES OF A PROGRAM ADMINISTRATOR UNDER ANY
7 CERTIFICATE UNLAWFULLY OR FRAUDULENTLY OBTAINED OR ISSUED.

8 20-404.

9 EXCEPT WHEN A PROGRAM ADMINISTRATOR IS REMOVED FROM THE POSITION
10 BY DEATH OR FOR ANY OTHER UNEXPECTED CAUSE AS PROVIDED IN § 20-301 OF
11 THIS TITLE, A PROGRAM MAY NOT BE OPERATED UNLESS IT IS UNDER THE
12 SUPERVISION OF A CERTIFIED PROGRAM ADMINISTRATOR.

13 20-405.

14 A PERSON WHO VIOLATES ANY PROVISION OF THIS TITLE IS GUILTY OF A
15 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO:

16 (1) A FINE NOT EXCEEDING \$1,000 FOR A FIRST OFFENSE; AND

17 (2) A FINE NOT EXCEEDING \$5,000 OR IMPRISONMENT NOT EXCEEDING 6
18 MONTHS OR BOTH FOR ANY SUBSEQUENT VIOLATION OF THE SAME PROVISION.

19 SUBTITLE 5. SHORT TITLE; TERMINATION OF TITLE.

20 20-501.

21 THIS TITLE MAY BE CITED AS THE "MARYLAND CERTIFICATION OF PROGRAM
22 ADMINISTRATORS FOR RESIDENTIAL CHILD CARE PROGRAMS ACT".

23 20-502.

24 SUBJECT TO THE EVALUATION AND REESTABLISHMENT PROVISIONS OF THE
25 PROGRAM EVALUATION ACT, THIS TITLE AND ALL REGULATIONS ADOPTED UNDER
26 THIS TITLE SHALL TERMINATE AND BE OF NO EFFECT AFTER JULY 1, 2013.

27 **Article - State Government**

28 8-403.

29 (a) On or before December 15 of the 2nd year before the evaluation date of a
30 governmental activity or unit, the Legislative Policy Committee, based on a
31 preliminary evaluation, may waive as unnecessary the evaluation required under this
32 section.

1 (b) Except as otherwise provided in subsection (a) of this section, on or before
2 the evaluation date for the following governmental activities or units, an evaluation
3 shall be made of the following governmental activities or units and the statutes and
4 regulations that relate to the governmental activities or units:

5 (62) RESIDENTIAL CHILD CARE PROGRAM ADMINISTRATORS, STATE
6 BOARD FOR CERTIFICATION OF (§ 20-202 OF THE HEALTH OCCUPATIONS ARTICLE:
7 JULY 1, 2012);

8 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
9 October 1, 2003.